

RAIL AND SURFACE TRANSPORTATION SECURITY

TESTIMONY OF

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**BEFORE THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY**

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Good morning Chairman Thompson, Ranking Member King, and Members of the Committee. I am pleased to appear before you today to talk about our efforts at the Transportation Security Administration (TSA), in partnership with the Department of Transportation (DOT) and our transportation network partners, in the field of rail and surface transportation security. Many of these important security steps are built upon and fortified by a solid safety foundation that has been developed over the years by our transportation partners and DOT.

Raising the Security Baseline of an Interconnected Network

As we continue to strive to improve the security of these vital transportation systems, we must not forget the principles that make them viable and efficient. Many of these systems have been designed with mobility and ease of access as an essential component of their operational success. These very attributes – openness, accessibility, fast-paced operations, high passenger volume – present us with our greatest security challenge. Our efforts must work within this framework to enhance security while preserving the efficiency of these systems.

Intelligence

Non-linear risk drives everything we do. Instead of focusing on predicting the next attack, TSA takes a flexible approach and uses a risk-based methodology to address potential vulnerabilities to attack.

TSA pursues a layered approach to security in transportation, including passenger transit, highway, pipeline, and freight rail security. This approach starts by leveraging the work of United States Government entities that takes place well beyond the doors of TSA and even America's shores through effective gathering, analysis, and dissemination of intelligence. As detailed below, we do this by working collaboratively with the transportation and shipper industries, as well as with State and local officials.

The disruption of the terror plot in the United Kingdom and of the developing plot targeting underwater tunnels connecting New York and New Jersey during this past summer illustrates the

necessity of this approach. The best defense is one that prevents the terrorists from ever entering the United States. TSA complements these efforts by pursuing as a strategic and operational priority the expansion of visible, unpredictable deterrence environments in our surface transportation systems to disrupt terrorists' planning and preparation activities and execution of their missions. For example, our aviation system security measures provide a significant barrier to entry for potential terrorists coming to our country. Our government's investments and improvements in terrorism watch lists, border security, and intelligence networks significantly enhance surface transportation security.

Network Approach and Strategy

To effectively address transportation security, we employ a network approach. The overall transportation system is a network. It has intersections and junctions; and while each transportation mode has its own security challenges, there are common vulnerabilities and mitigation strategies. In an effort to employ the range of security resources most effectively, we work closely with transportation networks to leverage our security impact and determine risk-based priorities.

Building on this approach, TSA implements a comprehensive strategy that applies a common methodology across all transportation networks, regardless of mode. That strategy is simple and straightforward. It consists of five elements:

- **Assess industry threat, vulnerability, and consequence;**
- **Develop baseline security standards;**
- **Assess actual security status against baseline security standards;**
- **Develop plans to close gaps between actual status and baseline security standards;**
- and**
- **Develop enhanced systems of security.**

Next, let me discuss how this strategy works in practice for the freight rail, passenger rail and rail transit, highway (trucking) and pipeline industries.

Industry Threat Vulnerability and Consequence Assessments (TVC)

The purpose of threat, vulnerability, and consequence assessments is to focus efforts on and highlight risk areas. Since September 2001, many Federal agencies and industry partners have been involved in significant efforts to identify the highest risk areas for our security focus. Those efforts have centered on analyzing threats, assessing vulnerabilities, and calculating consequences of potential terrorist attacks. Based upon this large body of work and our ongoing analysis, TSA determines the areas of highest risk for each mode of transportation so that we can properly focus on risk mitigation efforts.

Freight Rail-TVC. Over the past several years, TSA has completed a number of freight rail corridor assessments in high threat urban areas. The point of the corridor assessments is to focus on high risk areas and determine the vulnerabilities. We have

completed regionally based assessments in New Orleans, LA; Washington, DC; Houston, TX; Buffalo, NY; Cleveland, OH; and several cities in New Jersey including Newark, Elizabeth, and Perth Amboy. We are currently assessing Los Angeles, CA, and plan to visit additional urban areas in 2007. The results of the initial six assessments demonstrated recognizable trends and risks. We identified railcars with toxic inhalation hazard materials (TIH) sitting unattended to be a high risk potential as a terrorist target. While these shipments represent less than one percent of all rail shipments, if attacked they could create an airborne hazard and potentially endanger the lives of people living and working in those communities.

Passenger Transit-TVC. (Amtrak falls within our passenger transit division.) TSA has taken leadership in this area through a dual-track assessment initiative. Through the Baseline Assessment for Security Enhancement (BASE) program, TSA Surface Transportation Security Inspectors (STSI) assess transit agencies' posture in 17 Security and Emergency Management Action Items encompassing a range of areas essential to an effective security program such as security and emergency management planning, risk and vulnerability assessments, implementation of random, unpredictable deterrence, training, drills and exercises, public awareness campaigns, and facility, personnel, and information security. A concurrent initiative involves transit agencies conducting self-assessments on six fundamental areas and reporting the results to TSA.

In assessing security in this area, TSA is building upon a base of knowledge derived from 37 assessments of readiness to prevent, detect, deter, and respond to terrorist incidents, conducted by the Federal Transit Administration (FTA) and the Federal Railroad Administration (FRA). The extensive field work conducted by TSA and these agencies in conjunction with the industry has been utilized to set our priorities and identify industry baseline standards. TSA and FTA/FRA assessments, in addition to in-house risk analysis, focus on passenger transit operating procedures and high risk/high consequence assets.

Highway (Trucking) - TVC. TSA has been assessing the security risks of motor carriers through the Corporate Security Review (CSR) program, another form of assessment of industry readiness and vulnerabilities. Based up on our analysis we are focused on TIH and other hazardous chemicals of concern, which include explosives, flammables and other poisonous materials.

Pipeline-TVC. Through the CSR program for pipelines, TSA has identified a number of pipeline systems that pose the highest security risk. TSA will also conduct a pipeline infrastructure study to identify the highest risk pipeline assets.

Baseline Standards

The purpose of baseline standards is to create measurable risk reduction targets.

Freight Rail Baseline Standards. Because the potential risk posed by unattended TIH rail cars in high threat urban areas was identified as the highest risk area in rail, TSA

developed a risk reduction goal of reducing the objectively-measured risk of TIH cars in high threat urban areas by 25 percent per year, starting in 2007. That risk factor takes into account car hours, the population of urban areas and the proximity to residential and commercial structures.

TSA has also identified 27 other focus areas as security action items for the rail industry to begin to address. The actions items were released to the industry in June and November 2006. The action items focus on security awareness training, security focused inspections, suspicious activity reporting, control of sensitive information and employee identification. TSA is assessing conformity with the security action items to evaluate how implementation of the action items reduces objectively measured risk.

Passenger Transit Baseline Standards. Applying the information and experience gained from extensive assessments, in-house risk analysis performed at TSA and dialogue with the industry, TSA has developed baseline standards for the industry based on six fundamental principles. Those principles are:

- Protect high risk/high consequence underground/underwater assets and systems;
- Protect other high risk/high consequence assets and systems identified in vulnerability assessments;
- Use visible, unpredictable deterrence;
- Plan and conduct awareness and response training for key personnel;
- Plan and conduct emergency drills and exercises; and
- Plan and conduct public awareness and preparedness campaigns.

Highway (Trucking) Baseline Standards. TSA has been working closely with a number of chemical shippers to develop a series of baseline security standards for both TIH and other hazardous chemicals of concern. Those standards will address specific areas such as vehicle tracking, vehicle attendance, vehicle alarm systems, truck cab access controls, locking fifth wheel on tank trailers and security route and stop areas.

Pipeline Baseline Standards. TSA has been conducting corporate security reviews targeting the top 100 pipeline operators. From the results of these reviews, TSA has developed a series of security standards based upon the best operating practices of those companies. The pipeline standards address areas including security plans, employee security training, access controls and physical access security, and employee background investigation.

Assess Security Status. The purpose of assessing security status is to determine how individual operations compare to the baseline standards. The assessment procedures vary depending upon transportation mode. Assessments in rail and passenger transit are conducted by TSA's field inspector force, while highway and pipeline assessments are conducted by TSA's subject matter experts in each network management division. The assessments are structured to target key areas of concern and to capture essential data to evaluate current practice versus baseline

standards.

Freight Rail Status. In order to evaluate the security baseline in freight rail, TSA in cooperation with the rail industry is developing a comprehensive database driven system to identify the specific locations where TIH risk is the highest. TSA inspectors will verify attended/unattended status and proximity to high risk structures. In addition to identifying high risk locations, the database will give TSA the ability to identify TIH cars in near real time. This capability will allow us to more effectively respond to emerging threat situations.

Further, TSA inspectors have conducted field interviews with key rail management and personnel. Over 2,600 interviews have been completed, focused on employee security awareness, security procedures and systems to locate and protect TIH cars.

Passenger Transit Status. The results of TSA's dual-track assessment initiative have indicated variations in security posture among passenger rail and mass transit agencies. To date, 42 of the top 50 agencies by passenger volume have completed the self-assessment and reporting the results to TSA. The reports show the agencies have taken these reviews seriously. The concurrent STSI-led effort has completed in depth BASE assessments on 28 agencies in this group, driving more deeply into the specifics of security plans and procedures, operational security activities, and programs for employee security training, drills and exercises, and public awareness. Additional assessments have been scheduled, with the objective of covering all of the top 50 agencies, then moving on to agencies ranked 51 through 100. The data indicates varying security status among systems. The results are shaping TSA's strategic and operational security priorities, including security enhancement programs, grant funding, and engagement with individual passenger rail and mass transit agencies. Follow-on assessments will measure progress in improvement in the Actions Items and the fundamentals.

Highway (Trucking) Status. TSA conducts highway corporate security reviews and assessments. Those assessments are targeted at companies hauling TIH and other hazardous chemicals of concern. TSA will compare actual practice to baseline standards.

Pipeline Status. TSA will use its ongoing corporate security review process to determine the implementation of baseline standards. TSA will continue to work with individual companies to improve their security status.

Closing Gaps. Once assessments have identified the gaps in actual practice compared to baselines standards, TSA develops action plans to close the gaps and takes steps where necessary to close the gaps in all modes. We have a variety of capabilities at our disposal including industry agreements, voluntary measures, security directives, and regulatory action.

Freight Rail-Close Gaps. In order to reduce the gaps between actual practice and baseline standards, TSA pursued a two-pronged approach. We issued a Notice of Proposed Rulemaking (NPRM) on December 21, 2006, which includes several provisions

to strengthen the security of the Nation's freight rail systems in the highest threat urban areas. The proposed rule establishes incident reporting procedures, codifies TSA's inspection authority, requires rail company security coordinators, and most importantly creates a positive chain of custody from beginning to end which requires secure handoffs when cars change hands.

While the proposed rule provides a number of important security initiatives, TSA believed that additional, speedier steps could be taken. As a result, we reached an agreement with the rail industry to reduce unattended TIH standstill car time in high threat urban areas beginning in early 2007. A comprehensive database will be used to identify highest priority risk reduction opportunities and working in conjunction with TSA, the rail carriers will develop site-specific action plans to reduce or remove the TIH risks. In addition to reducing the TIH risks, TSA will work with rail carriers to improve the security performance in the security training and security procedures baseline. TSA is also developing an improvised explosive device (IED) training course for rail employees to be available in the second quarter of 2007.

Passenger Transit-Close Gaps. The strategies to close security gaps start with high risk/high consequence assets.

As we know, an attack on underground, underwater, and other critical infrastructure can dramatically increase the consequences by magnifying the actual impact, complicating the response efforts and substantially prolonging the recovery time.

We must remain focused on minimizing high consequence risks. TSA, in partnership DHS's Office of Grants and Training (G&T), is leveraging the Transit Security Grant Program funds to focus on reducing risk and increasing security capabilities in State and local transit systems with the most risk. Including the President's 2008 budget, the Department of Homeland Security provided over \$748 million to transit agencies and Amtrak in this pursuit.

An interagency transit tunnel risk mitigation working group has ranked this infrastructure for attention based on risk, established research and development priorities, and produced a comprehensive list of measures to guide transit agencies with this infrastructure in their security enhancement efforts. Working with the Science and Technology Directorate of DHS (S&T) and the National Laboratories, we are advancing new testing methodologies to expand our understanding of the physical effects of explosives events in transit tunnels to inform the continued development of technological solutions for risk mitigation.

While transit agencies cannot harden every entry point, nor screen every passenger coming into busy stations, they can deploy visible, unpredictable mobile teams that disrupt terrorists' planning capabilities and provide high levels of security. TSA assessments review the scope and quality of transit agencies' efforts in this area. Expanding such deterrence is a funding priority under the TSGP. TSA supplements the activities of transit agencies by expanding our canine program and leveraging our security network to create surge capacity with Visible Intermodal Protection Response

(VIPR) Teams.

VIPR Teams, consisting of Surface Transportation Security Inspectors (STSIs), canine teams, Federal Air Marshals (FAMs), and advanced screening technology, provide TSA the ability to leverage a variety of resources quickly and effectively. These deployments are designed to raise the level of security in any mode of transportation across the country in heightened security environments. The teams work with local security and law enforcement officials to supplement existing security resources, provide deterrent presence and detection capabilities, and introduce an element of unpredictability to disrupt potential terrorist planning activities. More than 30 VIPR exercises have been conducted at key commuter and regional passenger rail facilities, and more are planned throughout 2007. The transition to regional planning and employment will expand the frequency of these exercises, enhancing their deterrent effect.

Explosives detection canine teams are being trained, certified, and deployed by TSA to passenger transit systems. Since late 2005, TSA's National Explosive Detection Canine Team Program (NEDCTP) has worked in partnership with passenger transit systems to train, certify, and deploy 56 explosives detection canine teams to 13 major systems in a risk-based application of resources. Forty-two of these teams are currently in place and the other 14 are projected for training, certification, and deployment in the coming months. In addition, the President's fiscal year 2008 budget proposes an additional \$3.5 million to strengthen dramatically NEDCTP by approximately 45 teams to support the Nation's largest mass transit systems and expand coverage to ferry systems.

I want to emphasize that our STSI workforce and the canine teams we fund for passenger transit are just the point of the spear. There are literally thousands of transit and rail law enforcement and security officers on duty night and day to provide security where they are needed for these segments of the transportation network. Furthermore, each rail and passenger transit system makes a deliberate and strategic decision when they develop their annual budgets as to where they should apply their revenues and other funding sources to close security vulnerabilities. This approach creates a more effective network of local security rather than deploying a far greater Federal workforce to perform these same functions.

Since the security of these systems is a shared responsibility among Federal, State, and local partners, the Administration has provided significant resources to bolster these security efforts since 9/11. Funds from DHS grants programs may be used for planning, training, exercises, equipment, and other security enhancements. With the fiscal year 2007 funding, DHS will have invested nearly \$18 billion in local planning, organization, equipment, training, and exercises.

In addition to visible unpredictable deterrence, TSA recognizes that training for key personnel is essential to rail as its baseline of security. There are numerous passenger transit training courses available today. Well-trained, vigilant employees provide a security force multiplier in a transit system, adding eyes and ears critical to detection and prevention. Readiness to report and respond to incidents in a timely manner can mitigate consequences and expedite recovery.

Based on our assessments in the field, it is evident that we must make sure that transit agencies have a comprehensive training program for front-line employees. Working with FTA and a peer advisory group of transit police chiefs and security directors, TSA has produced a training plan to guide transit agencies in providing basic and follow-on training for the range of their employees – train operators, station managers, control system personnel, and various levels of management. To expedite improvement in this area, we have recently amended the Transit Security Grant Program to streamline the application process to ensure quick, priority funding for employee training. We have also provided the option for transit agencies to request reprogramming of their prior grant funding so they may quickly address this deficiency.

As noted, TSA is using the TSGP to drive improvement in the six security fundamental areas, most notably training for key personnel, drills and exercises and public awareness and preparedness. Elevated posture in these areas provides the foundation for an effective transit security program.

The \$175 million TSGP is the centerpiece of DHS's interagency strategy to close gaps between operator security status and baseline standards. For purposes of the TSGP, "transit" includes Amtrak, which is eligible for \$8.3 million, and commuter ferry systems, which are eligible for \$7.8 million. The TSGP guidance emphasized the six fundamental principles previously mentioned, as well as efforts in support of the national preparedness architecture. We are directing transit grant awards based on the results of the system security assessments, the security fundamentals, and support of national preparedness. DHS leverages the grants program to close the gaps at high risk properties.

Highway (Bus and Trucking)-Close Gaps. TSA is working on a number of strategies to close gaps in performance versus actual standards. We are currently considering a number of voluntary incentive programs and regulatory options. TSA, in partnership with G&T, is using the Intercity Bus Security Grants Program which was funded at \$12 million in FY 2007 to close gaps in the over-the-road bus industry and the Trucking Security Program also funded at \$12 million in FY 2007 to address security issues in the trucking industry.

Pipeline-Close Gaps. TSA has had an extensive working relationship with the pipeline industry. TSA has prepared an employee security awareness training program for all pipeline employees, worked with operators to prepare or improve security plans, conducted site specific visits to evaluate security practices, and developed risk mitigation strategies for high risk assets. This cooperative relationship has resulted in improved conformity to baseline standards.

Enhanced Systems of Security

The final part of our strategy is to enhance the systems of security. As we take actions to close gaps, we also need to improve security technology and explore the way these technologies may apply to multiple modes of transportation.

DHS is developing a number of screening techniques and technologies which may be implemented or deployed quickly to systems facing a specific threat, or in support of major events such as National Special Security Events (NSSEs). Pilot programs to test these technologies are already underway in several major American cities.

Through the DHS Science and Technology (S&T) Directorate's Rail Security Pilot (RSP), DHS has field tested the effectiveness of explosives detection techniques and imaging technologies in partnership with the Port Authority of New York and New Jersey. Close coordination between TSA and S&T ensures that technology development and testing for the mass transit environment align with TSA's strategic priorities. To ensure technology enhances security capabilities in transit agencies, the Federal effort seeks development of mobile and fixed systems amenable to the demands of the transit environment that may be deployed flexibly for maximum deterrent effect and protection of high risk infrastructure. Pilot testing will employ equipment in this manner to validate capabilities most effectively. Future research and development initiatives will maintain this focus.

The Systems Support Division (SSD) of G&T has conducted operational tests to evaluate manufacturer claims on ballistic-resistant trash receptacles and published a report of its findings to help ensure mass transit systems, among others, have the facts needed to guide critical procurement decisions. Similarly, SSD has published a closed circuit television (CCTV) technology handbook to provide a reference point on current CCTV technologies, capabilities and limitations.

Finally, we maintain mobile security equipment, which can fit into two standard size shipping containers, for rapid deployment for use in screening and detection at any major system in the country should the need arise.

In addition to technologies that may apply primarily to passenger modes, TSA is working closely with a number of parties to develop advanced railcar tracking systems with geofenced event-notification capabilities. TSA is also cooperating in efforts to develop next generation hazardous materials rail cars designed to better withstand terrorist attacks and operating accidents.

TSA is working with selected hazardous material carriers to test truck tracking and control technologies. We are also in the early stages of security technology applications to the pipeline industry. Two specific areas TSA is involved in are blast mitigation and unmanned aerial surveillance vehicles.

Presidential Action and TSA's Objectively Measured Risk Reduction Process

On December 5, 2006, the President issued Executive Order 13416, which builds upon the improvements made in surface transportation security since September 11, 2001, specifically actions taken under Homeland Security Presidential Directive 7, "Critical Infrastructure Identification, Prioritization, and Protection" (HSPD-7). Executive Order 13416 requires the strengthening of our Nation's surface transportation systems by the facilitation and implementation of a comprehensive, coordinated, and efficient security program. As the Federal official with principal responsibility for protecting surface transportation infrastructure, Secretary

Chertoff has the lead in implementing this policy in coordination with the Secretary of DOT and the heads of other relevant agencies. The order sets deadlines for key security activities including security assessments of each surface transportation mode and an evaluation of the effectiveness and efficiency of current Federal Government surface transportation security initiatives. We continue to build upon current security initiatives to develop a comprehensive transportation systems sector specific plan, as defined in the National Infrastructure Protection Plan (NIPP). The five-part strategy cited earlier in my testimony is meeting the requirements of the Executive Order.

Annexes to DHS-DOT Memorandum of Understanding

Three annexes to a September, 2004 memorandum of understanding between DHS and DOT have been completed and signed, evidencing the close and continuous cooperation between TSA and DOT to leverage resources.

The first, between TSA and FRA, memorializes how we will coordinate our programs and initiatives at an agency level to better secure passenger and freight railroad transportation, and improve stakeholder relationships, and to include assisting railroads in prioritizing assets and addressing current and emerging threats and vulnerabilities. While TSA is responsible for rail security and FRA is responsible for rail safety, the annex provides detailed operational guidance to enable the two agencies to avoid duplication and maximize efficiency and cooperation in their planning, inspection, training and enforcement activities.

The second annex is between the Pipeline and Hazardous Materials Safety Administration (PHMSA) and TSA. This annex delineates our respective roles and responsibilities regarding pipelines and hazardous materials transportation security. It discusses sharing data and compliance information between the agencies, coordinating research and regulatory activities, providing joint public information and emergency response materials, collaboration in inspection and enforcement activities, and sharing technical support.

The third annex is between the Federal Transit Administration (FTA), DHS/G&T, and TSA. It similarly provides for close and continuous cooperation between the two respective agencies in matters relating to security of the Nation's transit systems. Eight working groups have been established under the Annex, coordinating Federal efforts in such areas as security training, security standards development, assessments, exercises, public awareness, and information sharing.

Together, these annexes allow much more efficient use of the government's time and money, while maximizing the value of what these agencies can achieve for industry and the traveling public.

Summary

TSA has a clear strategy to address surface transportation security. That strategy focuses first on identifying areas of high risk and then establishing baseline security standards to address those risks. Once baseline standards are established, we assess the actual status of security in the transportation industries, and in close coordination with stakeholders, devise strategies for bringing actual practices up to the standards we have established. Finally, we are developing advanced systems of security through a coordinated research and development program, to

further enhance security beyond the baseline standards. In furtherance of this strategy, I have established an Office of Transportation Sector Network Management specifically to address the cross-cutting issues that affect all aspects of the transportation sector as a unified whole. The intermodal members of this Office are implementing our transportation security strategy through cooperation with stakeholders where appropriate, regulation and inspection where necessary, and through the distribution of grants to assist the industry to implement these objectives we have set forth.

I understand that rail and surface transportation security legislation is a priority for the Committee. The Department and TSA look forward to working cooperatively with the Committee as we have in the past.

Regarding the recently proposed legislation, H.R. 1269, we agree with many of the objectives of its provisions. The commitment to a comprehensive program for sustained security enhancement is laudable. As such, there is much opportunity to work together toward our common purpose of bolstering security in transit agencies nationwide. Working with the Committee, we will aim to ensure that deadlines in the bill are realistic, that mandates are not so proscriptive as to constrain executive action and flexibility in the execution of security programs, that funding levels are focused on high- consequence risk reduction, and that new legislative requirements do not merely duplicate our current efforts. We appreciate your initiative in this area, which provides a framework for further discussions as the legislative process moves forward.

Thank you for this opportunity to inform you of our efforts in freight rail, commuter rail and other transit, trucking and pipeline security. I would be happy to answer any questions that you might have.